

Mitsuhara *et al.*
Application No.: 08/805,813
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PATENT

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22. (Once amended) The method according to claim 21, wherein the pathogenic fungi are *Rhizoctonia solani*, *Pythium [aphanidermatum] aphanidermatum*, and *Phytophthora infestans*.

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27. (Once amended) The method according to claim [21] 24, wherein the first plant promoter is an inducible promoter.

Sub G3
29. (Once amended) The method according to claim [25] 28, wherein the promoter induced by stress is a promoter of the tobacco PR-1a gene.

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30. (Once amended) The method according to claim [21] 24, wherein the expression cassette has a terminator of the tobacco PR-1a gene downstream of the DNA sequence encoding the anti-bacterial peptide from the Diptera insect.

31. (Once amended) The method according to claim [21] 24, wherein the constitutively expressed promoter is the Cauliflower mosaic virus 35S promoter.

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Sub G7
39. (Once amended) The plant according to claim 32, wherein the expression cassette has a terminator of the tobacco PR-1a gene downstream of the DNA sequence encoding the anti-bacterial peptide from the Diptera insect.

Please add the following new claim.

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Sub G9
41. (New) The plant according to claim 32, wherein the expression vector further has a T-DNA region and a drug resistant gene. --

REMARKS

Status of the Application

The Advisory Action mailed February 3, 2000 states that the After Final Amendment filed December 23, 1999 (which canceled claims 1-20 and added claims 21-40) has been entered. Claim 41 is added by this Amendment. Therefore, claims 21-41 are pending.